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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,122	01/22/2002	Brian E. Belcher	MMSO18351	7366

7590

10/02/2003

James O. Dixon  
Crutsinger & Booth  
1601 Elm St., Suite 1950  
Dallas, TX 75201

EXAMINER
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NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/02/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/055,122	BELCHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phung T Nguyen	2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Objections***

1. Claim 17 is objected to because of the following informalities:

Claim 17, line 1, "sequal path" should be changed to --signal path--

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (U.S. Pat. 6,556,810).

**Regarding claim 1:** Suzuki discloses a communication inhibiting device and communication inhibiting system comprising at least one vehicle motion condition detector 15 providing signals indicative of current motion of the vehicle (figure 5, col. 7, lines 65-67); at least one signal processor 16 responsive to signals provided by the at least one detector indicative of vehicle motion (col. 8, lines 1-16); at least one vehicle mounted communication device 11 and at least one blanking device responsive to the blanking signals to prevent utilization with the at least one communications device by the vehicle operator (col. 2, lines 33-60, and col. 8, lines 7-16).

**Regarding claim 2:** Suzuki discloses the at least one motion condition detector comprising an electric speedometer and antilock brake system (col. 8, lines 48-62).

**Regarding claim 3:** Suzuki discloses the signal processor comprising a programmable digital processor in the form of the control means 16 (col. 8, lines 30-36).

**Regarding claim 6:** Refer to claim 3 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Morimoto et al. (U.S. Pat. 5,757,359).

**Regarding claims 4 and 5:** Suzuki discloses the signal processor comprising a programmable digital processor in the form of the control means 16 (col. 8, lines 30-36) but does not directly show the programmable digital signal processor is a "PC" type computer as claimed. However, using the programmable digital signal processor is a "PC" type computer is old and well known in the art as taught by Morimoto et al. (figure 2c, col. 5, lines 65-67, and col. 6, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Morimoto et al. in the system of Suzuki because they both teach a communication inhibiting system for inhibiting the use of a communication device when the vehicle is running. It is seen that a "PC" type computer of Morimoto et al.

would expand the use of the Suzuki's system by having other communications and control functions.

**Regarding claim 7:** Refer to claims 4 and 5 above.

**Regarding claim 8:** Suzuki discloses the at least one motion condition detector comprising an accelerometer (col. 8, lines 19-24).

**Regarding claim 9:** Suzuki discloses the at least one motion condition detector comprising a transmission park/neutral switch (col. 2, lines 33-44).

**Regarding claim 10:** Suzuki discloses the at least one motion condition detector comprising an antilock brake system (col. 8, lines 55-67, and col. 9, lines 1-4).

**Regarding claim 11:** Suzuki discloses the at least one motion condition detector comprising an electric speedometer (col. 8, lines 48-62).

**Regarding claim 12:** All the claimed subject matter is already discussed in respect to claims 1, 2, 4, and 5 above.

**Regarding claims 13 and 14:** Suzuki discloses the blanking signals are applied to others of the communication devices mounted on the vehicle including voice communication device (col. 7, lines 28-42).

**Regarding claim 15:** Morimoto et al. disclose the communication devices including visual communication devices (col. 3, lines 1-25).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Wood (U.S. Pat. 4,529,429).

**Regarding claim 16:** Suzuki does not show an optical isolator circuit in the signal path between the at least one vehicle motion condition detector and the at least one signal processor. However, Wood discloses a digital glass forming machine comprising an optical isolator circuit 38 as seen in figure 5, col. 6, lines 1-21. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the conventional optical isolator circuit 38 of Wood in the system of Suzuki because the optical isolator circuit is merely an isolator switching device which is commercially available in the market.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Morimoto et al. and further in view of Wood.

**Regarding claim 17:** The combination does not show an optical isolator circuit in the signal path between the vehicle motion condition detector and the programmed digital computer. However, Wood discloses a digital glass forming machine comprising an optical isolator circuit 38 as seen in figure 5, col. 6, lines 1-21. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the conventional optical isolator circuit 38 of Wood in the system of Suzuki and Morimoto et al. in order to provide a "open" or a "closed" switch condition because the optical isolator circuit is merely an isolator switching device which is commercially available in the market.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Harris [U.S. Pat. 6,222,458] discloses an automatic cell phone detection at a combustible delivery station.

b. Harris [U.S. Pat. 6,580,372] discloses an automatic electronic device detection.

c. Wako et al. [U.S. Pat. 6,415,224] disclose a display method and apparatus for navigation system.

d. McElroy et al. [U.S. Pat. 5,835,868] disclose an automated system for immobilizing a vehicle and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Examiner: Phung Nguyen



Date: September 24, 2003